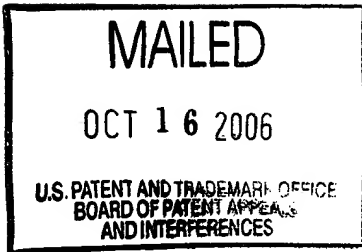


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte TOMMY EKSTROM

Application 09/367,950

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 10, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Appeal Brief was filed on March 3, 2006. A Supplemental Amendment was filed on July 3, 2003 which amended claims 13, 33-36, 38, and 42. It is

noted that the language of the above-noted claims does not appear to have been incorporated in any of the subsequent amendments. Hence the language of claims 13, 33-36, 38, and 42 differs from its last amended version. 37 CFR § 41.37(c)(1)(viii) requires that the Appendix to the Appeal brief contain a correct copy of the claims involved in the appeal.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for notification to appellant to submit a corrected Appendix to the Appeal Brief filed March 3, 2006, or for the examiner to officially correct the Appendix; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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